



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: January 19, 2022

TIME: 10:44 AM

WSR 22-03-099

**Agency:** Washington State Gambling Commission

☐ **Original Notice**

☒ **Supplemental Notice to WSR** 21-13-165, 21-21-094, 22-01-213

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR** 20-15-154 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) WAC 230-03-085- Denying, suspending, or revoking an application, license or permit.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 10, 2022	9:00am	Washington State Gambling Commission 4565 7 <sup>th</sup> Ave SE Lacey, WA 98503	The meeting time and location will be posted approximately one week prior to the meeting on our website at <a href="http://www.wsgc.wa.gov">www.wsgc.wa.gov</a> . Select "The Commission" and then select "Public Meetings" to confirm the hearing date, location, start time, and agenda items.

**Date of intended adoption:** March 10, 2022 (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name: Ashlie Laydon

Address: PO Box 42400, Olympia, WA 98504-2400

Email: [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov)

Fax:

Other: [www.wsgc.wa.gov](http://www.wsgc.wa.gov)

By (date) March 2, 2022

### Assistance for persons with disabilities:

Contact Julie Anderson

Phone: (360) 486-3453

Fax:

TTY: (360) 486-3637

Email: [julie.anderson@wsgc.wa.gov](mailto:julie.anderson@wsgc.wa.gov)

Other: [www.wsgc.wa.gov](http://www.wsgc.wa.gov)

By (date) March 2, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** On March 25, 2020, Governor Jay Inslee signed House Bill 2638 authorizing sports wagering for Class III tribal facilities under terms negotiated in tribal-state compacts, and adding or amending several sections of the Gambling Act giving the Gambling Commission the authority to adopt and/or amend rules needed for the state's regulation of sports wagering. The proposed rules create a regulatory framework for sports wagering consistent with the Gambling Act and tribal-state compact amendments.

Draft language was initially filed under WSR 21-13-165, WSR 21-21-094, and again under WSR 22-01-213. The proposed change is to withdraw the previous language filed under WSR 22-01-213 regarding adopting a new chapter- chapter 230-19

WAC, and instead proposes to amend WAC 230-03-085, Denying, suspending, or revoking an application, license or permit, to allow the Gambling Commission to action if an applicant or a licensee fails to comply with all applicable tribal laws, or the provisions of the applicable tribal-state compact and its appendices related to sports wagering.

**Reasons supporting proposal:** The proposed change has been made based on feedback from tribal partners and vendor stakeholders.

**Statutory authority for adoption:** RCW 9.46.070

**Statute being implemented:** RCW 9.46.070

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Washington State Gambling Commission

☐ Private

☐ Public

☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Adam Teal, LLM	4565 7 <sup>th</sup> Ave SE, Lacey, WA 98503	(360) 486-3475
Implementation:	Tina Griffin, Interim Director	4565 7 <sup>th</sup> Ave SE, Lacey, WA 98503	(360) 486-3546
Enforcement: Director	Gary Drumheller, Assistant	4565 7 <sup>th</sup> Ave SE, Lacey, WA 98503	(509) 325-7904

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: A cost-benefit analysis is not required per RCW 34.05.328(5)(a)(i).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)  
(Internal government operations)

☐ RCW 34.05.310 (4)(e)  
(Dictated by statute)

☐ RCW 34.05.310 (4)(c)  
(Incorporation by reference)

☐ RCW 34.05.310 (4)(f)  
(Set or adjust fees)

☐ RCW 34.05.310 (4)(d)  
(Correct or clarify language)

☒ RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** January 14, 2022

**Name:** Ashlie Laydon

**Title:** Rules Coordinator

**Signature:**

